

02-07-01

Customer Number: 000959

A

**DIVISIONAL CONTINUATION APPLICATION TRANSMITTAL FORM**  
**UNDER RULE 1.53(b) (former Rule 1.60)**

02/05/01  
 JC806 U.S. PTO

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/163,276	PRIOR APPLICATION FILING DATE: SEPTEMBER 29, 1998
BBI-013C3CN3	CLASS:	SUBCLASS:	EXAMINER: R. SHUKLA	ART UNIT: 1632

COMMISSIONER FOR PATENTS  
 BOX PATENT APPLICATION  
 WASHINGTON, DC 20231

09/777317  
 JC971 U.S. PTO  
 02/05/01

**CERTIFICATION UNDER 37 CFR 1.10**

Date of Deposit: February 5, 2001 Mailing Label Number: EL 683 636 363 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Nelson F. Barros  
 Name of Person Mailing Paper

Nelson Barros  
 Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/163,276 filed on September 29, 1998, of Hermann Bujard, Manfred Gossen, Jochen G. Salfeld, Jeffrey W. Voss entitled Tetracycline-Regulated Transcriptional Activator Fusion Proteins which in turn is a continuation-in-part application of serial no. 08/479,306 filed on June 7, 1995.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:

- ☒ 68 page(s) of specification  
☒ 2 page(s) of claims  
☒ 1 page(s) of abstract  
☒ 32 sheet(s) of drawing (Figures 1A-14)  
☒ 10 page(s) of declaration and power of attorney (2 copies – 5 pages each).

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/163,279 as originally filed on September 29, 1998.

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).

3. ☒ The filing fee is calculated below:

**ENTITY**

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 22	MINUS	** 20	= 2
INDEP.	* 3	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

**OTHER THAN A SMALL ENTITY**

RATE	FEE
x 9 =	\$0.00
x 40 =	\$0.00
+135 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

**SMALL**

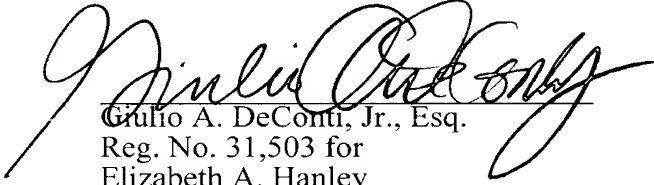
RATE	FEE
x 18 =	\$36.00
x 80 =	\$0.00
+270 =	\$0.00
BASIC FEE	\$710.00
TOTAL	\$746.00

4. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.

5. ☒ **THE FILING FEES ARE NOT BEING PAID AT THIS TIME.**

6. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☒ A copy of the preliminary amendment filed on September 29, 1998 is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting before the first line the sentences: "This application is a continuation application of serial no. 09/163,276 filed on September 29, 1998, which is a continuation application of serial no. 08/479,306 filed on June 7, 1995, issuing March 3, 1999 as USPN 5,888,981, which in turn is a continuation-in-part application of serial no. 08/260,452 filed on June 14, 1994, issued July 22, 1997 as USPN 5,650,298. The contents of all of the aforementioned application(s) are hereby incorporated by reference."
9. ☒ The prior application is assigned of record to BASF Aktiengesellschaft and Knoll Aktiengesellschaft, both of Ludwigshafen, Germany.
10. ☒ Also enclosed is: Copy of inventor executed Declaration/Power of Attorney as filed on 9/14/1995 (10 pp.); postpaid return postcard.
11. ☒ The power of attorney in the prior application is to Elizabeth A. Hanley, Reg. 33,505.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
12. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Elizabeth A. Hanley at **Customer Number: 000959** whose address is:
- Lahive & Cockfield, LLP  
28 State Street  
Boston, Massachusetts 02109
13. ☒ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.
14. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/163,276. Please use the computer readable form of application serial no. 09/163,276 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/163,276 are the same.

February 5, 2001  
Date  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
Tel. (617) 227-7400

  
Giulio A. DeConti, Jr., Esq.  
Reg. No. 31,503 for  
Elizabeth A. Hanley  
Reg. No. 33,505  
☐ inventor(s) ☐ filed under §1.34(a)  
☐ assignee of complete interest  
☒ attorney or agent of record